

Appl. No. 10/648,336
Amendment dated: September 7, 2006
Reply to OA of: June 14, 2006

REMARKS

This is in response to the Official Action dated June 14, 2006 in connection with the above-identified application. Applicants have amended the claims in order to more precisely define the scope of the invention taking into consideration the outstanding Official Action.

Specifically, Applicants have amended claims 1 and 10 to more precisely recite a feature of the claimed invention described in the originally filed specification. Claims 1 and 10 as amended now recite that the plurality of second electrodes alternate between connecting to the first conducting lines and the second conducting lines. That is to say, e.g., the top-most second electrode 134 of the plurality of second electrodes illustrated in Figure 6 is connected to one of the plurality of second conducting lines 142, while the next second electrode 134 is connected to one of the plurality of first conducting lines. This alternating pattern continues down to the last of the plurality of second electrodes. Support for these amendments may be found throughout the specification as originally filed, including, e.g., Figure 6 as described above and Figure 1, which illustrates that the second conducting lines 142 are offset from the first conducting lines 141 (compare the top second conducting line on the right side of the substrate with the top first conducting line on the left side of the substrate). Accordingly, Applicants respectfully submit that the amendments to the claims do not introduce new matter into the application and the claims are in full compliance with the requirements of 35 U.S.C. §112.

The Official Action begins by rejecting claims 10-25 under 35 U.S.C. §112, second paragraph as being indefinite for failing to provide sufficient antecedent basis for the term "a first film" in claim 10. Accordingly, Applicants have amended claim 10 to recite "the first film" in place of "a first film" in the last paragraph of claim 10. Antecedent basis for this term may be found at line 4 of claim 10. In light of this amendment, Applicants respectfully request that the rejection of claims 10-25 under 35 U.S.C. §112, second paragraph be withdrawn.

Turning now to the rejections of the claims over the prior art, the rejection of

Appl. No. 10/648,336
Amendment dated: September 7, 2006
Reply to OA of: June 14, 2006

claims 1-5, 10, 16 and 17 under 35 U.S.C. §102(e) as being anticipated by Chang (US Pub. App. No. 2003/0193792) has been carefully considered but is most respectfully traversed in light of the amendments to the claims and the following comments.

Applicants wish to direct the Examiner's attention to MPEP § 2131 which states that to anticipate a claim, the reference must teach every element of the claim.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed.Cir. 1990).

The Official Action relies primarily on Figures 5A-5C of Chang in support of the anticipation rejection of independent claims 1 and 10. The Official Action urges that Chang discloses, in part, first electrodes 503 connected to third conducting lines 504 and second electrodes 505 connected to first conducting lines 506 or 507. Applicants note that, as shown in Figure 5B, the second electrodes are connected to the first or second conducting lines in groups of three. That is to say, the top three second electrodes illustrated in Figure 5B are each connected to one of a plurality of second conducting lines, while the next three second electrodes are each connected to one of a plurality of first conducting lines. Applicants have included herewith for the Examiner's reference an illustration of this configuration ("Layout of the Prior Art, U.S. Publication No. 2003/0193792").

The amended claims of the instant application differ from the invention disclosed in the Chang reference because the second electrodes of the claimed invention alternate between connecting to the first conducting lines and the second conducting lines. In other words, each second electrode connects to either a first conducting line

Appl. No. 10/648,336
Amendment dated: September 7, 2006
Reply to OA of: June 14, 2006

or a second conducting line in an alternating fashion. Thus, while Chang discloses that groups of three second electrodes all connect to, e.g., the first conducting lines, Chang fails to disclose a configuration wherein each second electrode connects to either a first conducting line or second conducting line in an alternating fashion as claimed in the instant application. Applicants have included herewith for the Examiner's reference an illustration of the claimed configuration ("Layout of the Present Patent Application, U.S. Application No. 10/648,336") to compare and contrast with the configuration set forth in Chang.

This alternating configuration allows the panel of the instant application to achieve better uniformity of illumination in an OLED panel as compared to the prior art, which connects groups of second electrodes to first conducting lines and connects other groups of second electrodes to second conducting lines.

Accordingly, because Chang fails to disclose second electrodes that are alternately connected to first and second conducting lines as claimed in the instant application, Applicants respectfully submit that a proper anticipation rejection according to the guidelines set forth in MPEP §2131 has not been established. Applicants therefore respectfully request that the §102(e) rejection of claims 1 and 10 over the Chang reference be withdrawn.

Further, as claims 2-5, 16 and 17 depend from claims 1 or 10, Applicants respectfully submit that these claims are also patentable over the Chang reference for the reasons discussed above. Accordingly, Applicants respectfully request that the §102(e) rejection of claims 2-5, 16 and 17 over the Chang reference also be withdrawn.

The rejection of claims 6-8 and 18-20 under 35 U.S.C. §103(a) as being unpatentable over Chang in view of Lu et al. (US Pat. No. 6,559,604), the rejection of claims 9 and 21 under 35 U.S.C. §103(a) as being unpatentable over Chang in view of Ogura et al. (US Pat. No. 6,924,594), the rejection of claims 11-13 and 22 under 35 U.S.C. §103(a) as being unpatentable over Chang in view of Endo et al. (US Pat. No. 6,507,384), the rejection of claim 14 under 35 U.S.C. §103(a) as being unpatentable over Chang in view of Holland et al. (US Pub. App. No. 2002/0118325), the rejection

Appl. No. 10/648,336
Amendment dated: September 7, 2006
Reply to OA of: June 14, 2006

of claim 15 under 35 U.S.C. §103(a) as being unpatentable over Chang in view of Holland in further view of Endo, the rejection of claim 23 under 35 U.S.C. §103(a) as being unpatentable over Chang in view of Kawaguchi et al. (US Pat. No. 5,400,221) and the rejection of claims 24 and 25 under 35 U.S.C. §103(a) as being unpatentable over Chang in view of Katsumata (US Pat. No. 6,826,016) have each been carefully considered but are most respectfully traversed in light of the amendments to the claims and the following comments.

Applicants wish to direct the Examiner's attention to the basic requirements of a prima facie case of obviousness as set forth in the MPEP § 2143. This section states that to establish a prima facie case of obviousness, three basic criteria first must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.

The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Section 2143.03 states that all claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Applicants also most respectfully direct the Examiner's attention to MPEP § 2144.08 (page 2100-114) wherein it is stated that Office personnel should consider all rebuttal argument and evidence presented by applicant and the citation of In re Soni for error in not considering evidence presented in the specification.

The basis for each of the above identified rejections is the §102(e) rejection of

Appl. No. 10/648,336
Amendment dated: September 7, 2006
Reply to OA of: June 14, 2006

claims 1 and 10 over Chang. However, as described in detail above, Chang fails to disclose each and every feature of claims 1 and 10. Moreover, Applicants respectfully submit that none of the secondary references are capable of remedying the deficiencies identified above with respect to claims 1 and 10. Accordingly, since the basis for each of the §103(a) rejection is defective, Applicants respectfully submit that each of the §103(a) rejection is defective. That is to say, none of the prior art references, either standing alone or in combination, disclose or suggest each and every limitation of the claimed invention. Therefore, as a proper §103(a) rejection according to the guidelines set forth in MPEP §2143 has not been established, Applicants respectfully request that these rejections be withdrawn.


Additionally, with respect to several of the §103(a) rejections, Applicants specifically traverse the motivation statements. For example, with respect to the rejection of claims 6-8 over Chang in view of Lu, the Official Action urges that Lu discloses a pixel defining area and then asserts that it would have been obvious to combine the teaching of Lu with the invention disclosed in Chang for the purpose of defining the pixel area. In then addressing the limitations of claim 7 and 8 (auxiliary electrodes and isolating walls, respectively), the Official Action urges that the "combining reason is same as claim 6". Applicants assume that the Official Action is thus asserting that the motivation for combining the teaching of auxiliary electrodes and isolating walls in Lu and the invention disclosed in Chang is for the purpose of defining the pixel area. Clearly, such a "combining reason" for the limitations of claim 7 and 8 is illogical. That is to say, one of ordinary skill in the art would not be motivated to combine the teaching in Lu of an auxiliary electrode and an isolating wall with the invention disclosed in Chang for the purpose of defining the pixel area. Accordingly, since the motivation statement provided with respect to claims 7 and 8 is improper, Applicants respectfully submit that the §103(a) is defective. This issue also arises in the §103(a) rejection of claims 12, 13, 19, 20 and 22.

Appl. No. 10/648,336
Amendment dated: September 7, 2006
Reply to OA of: June 14, 2006

In view of the above comments and further amendments to the claims,
favorable reconsideration and allowance of all of the claims now present in the
application are most respectfully requested.

Respectfully submitted,

BACON & THOMAS, PLLC

By: 

Scott A. Brairton
Registration No. 55,020

625 Slaters Lane, 4th Fl.
Alexandria, Virginia 22314
Phone: (703) 683-0500
Facsimile: (703) 683-1080

SAB:cmd
A02.wpd

September 7, 2006